



State of New Mexico
ENVIRONMENT DEPARTMENT



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July 31, 2018

Ms. Christina Progress
USEPA, Region 8
1595 Wynkoop Street
Denver, CO 80202
progress.christina@epa.gov

Re: EPA's Use of the Kittimac Tailings Site for Disposal of the Gold King Mine Sludge

Dear Ms. Progress:

In EPA's May and June 2018 announcements of interim sludge management plans for Gold King Mine ("GKM"), Region 8 stated that approximately 15,000 cubic yards of material from the Gladstone Wastewater Treatment Facility ("WTF") will be transported to and treated at the Kittimac Tailings facility. The New Mexico Environment Department ("NMED") has two main concerns about the way the plan was developed and is being implemented. First, can the Kittimac Tailings material afford the necessary treatment to stabilize the GKM sludge effectively? And second, will the GKM sludge be disposed in a manner and schedule that will permit continued use and potential expansion of the Gladstone WTF? To cite just one example of the need to expand the Gladstone WTF, EPA surveying activities recently triggered a release of contaminants from the American Tunnel, which demonstrates the need to treat flows from that source during and after proposed investigations at that site. Despite NMED's many requests to be included in discussions and decisions about GKM and the Bonita Peak Mining District, communication from EPA on these matters has been minimal at best. So NMED is using this letter as an opportunity to ask questions and raise its concerns about EPA's use of the Kittimac Tailings facility.

The GKM sludge contains various heavy metals that may continue to leach if subject to adverse conditions, such as a drop in pH. Has EPA analyzed the GKM sludge and the Kittimac tailings material to identify the proper ratio of these materials necessary to ensure their stability when mixed? Were bench scale tests run and, if so, are the results available for our review? What is the moisture content of the GKM sludge and the Kittimac tailings separately, and what is the optimal moisture content that EPA plans to achieve at the tailings facility when the two materials

are mixed? Will pH amendment additives be used when the GKM sludge and the Kittimac tailings are mixed and, if so, which one(s) and how will this be conducted? How will this be checked in the field and when will those results be available for our review? What is the anticipated wastewater production volume at the Kittimac Tailings facility and how will that flow, including any precipitation volume, be treated? If the treated flow is discharged to the Animas River, what effluent standards will apply to the discharge? How will those flows be monitored and by whom?

Furthermore, adding the GKM sludge will increase the physical load on the Kittimac Tailings facility structures. Before placing the GKM sludge, did EPA conduct an engineering analysis to determine and verify whether the berm slope stability is sufficient to bear the additional load? Were berm seeps present at the Kittimac Tailings facility before the GKM sludge was added, and if so, were those seeps sealed or treated? If seeps are present, what is the estimated quantity and quality of the flow?

Finally, what entity (or entities) owned and was responsible for the Kittimac Tailings facility before the addition of the GKM sludge? Now that the GKM sludge has been added, what entity (entities) is responsible for the site and the consequent environmental protection of the environment as a result of the GKM sludge disposal and treatment operation? What are the terms of the ownership, operating, and liability arrangements between EPA and the prior owning and controlling entity (or entities) at this site?

NMED requests a timely and thorough response to all of these questions. Please contact Bruce Yurdin, Director, Water Protection Division, NMED, at 505-827-1758 or at bruce.yurdin@state.nm.us if you have any questions or would like to schedule a meeting to discuss your responses. We look forward to hearing from you.

Sincerely,



Butch Tongate
Secretary

cc: Kerry Guy, EPA, Region 8, OSC, guy.kerry@epa.gov
Charles Maguire, EPA Region 6, Water Division
Trai Kliphuis, NM Office of Natural Resources Trustee